

**STATE OF CALIFORNIA
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION
Held on July 18, 2012
Sacramento, California**

PRESENT:

Art R. Carter, Chairperson
Ed Lowry, Member
Michael Wimberly, Executive Officer
Martin Fassler, Presiding Administrative Law Judge
Ursula Clemons, Presiding Administrative Law Judge
Jeff Mojcher, Chief Counsel
Kari Johnson, Industrial Relations Counsel III
Thomas Song, Industrial Relations Counsel II
Lee Berlin, Executive Secretary

MINUTES OF JUNE 27, 2012:

(Approval of minutes recording actions of previous Board meeting)

ACTION: Member Lowry moved that the Board approve the draft minutes of the June 27, 2012 Board Meeting. Chairperson Carter seconded. The Board voted to approve the draft minutes of the June 27, 2012 Board Meeting.

ADMINISTRATIVE MATTERS:

(Information regarding the general administration of cases pending before the Appeals Board)

1. STATISTICS

(Review and discuss most current Board statistics)

ACTION: No report

2. 2012 RULEMAKING MATTERS

(Discuss potential Board rulemaking changes)

Counsel Johnson reported that the current rulemaking package will be filed on July 19 with the Office of Administrative Law. The Board agreed to hold a public hearing on the package on September 17. To accommodate the hearing schedule, the Board acted to move the calendared meeting of the Board to September 18.

NEW BUSINESS:

(The Appeals Board hears and discusses new reports presented by staff.)

1. ADVISORY COMMITTEE MEETINGS—REGULATORY PROPOSALS

(Discuss planning and preparation for meeting)

ACTION: The next meeting of the Advisory Committee is scheduled for August 2. The Board discussed possible topics for future regulatory changes to be introduced at the Advisory Committee meeting.

2. 2012/2013 BUDGET

(Review and discuss budget issues for the fiscal year)

ACTION: Executive Officer Wimberly reported that the Board has a budget and that the initial allotment has been scheduled.

OLD BUSINESS:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

1. 2011/2012 BUDGET

(Review and discuss budget issues for the fiscal year)

ACTION: No report

LEGISLATION:

(Review and discuss current legislation which may affect the Appeals Board)

ACTION: Chairperson Carter reported on AB 2346, which addresses heat illness concerns of agriculture workers.

CHAIRPERSON'S REPORT:

(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)

ACTION: Chairperson Carter reported on a recent meeting with Executive Officer Wimberly and a representative of Federal OSHA. Topics discussed included the Board's videoconferencing project and hearing calendar.

BOARD MEMBERS' REPORTS:

(Hear reports from Board Members on activities and issues affecting the Appeals Board.)

ACTION: No report.

EXECUTIVE OFFICER'S REPORT:

(Report regarding administrative matters and news from the Department and Appeals Board.)

ACTION: Executive Officer Wimberly reported that the project to improve and enhance the ORACLE system is moving quickly. He also reported on a project to enhance the Board's emergency preparedness by digitally archiving the Board's records. This will not only provide a backup to the paper files, but will also allow records to be searched and retrieved as needed. The Board will also receive a toll-free number for reporting appeals.

STAFF REPORTS:

(Reports from the Presiding ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

ACTION: Chief Counsel Mojcher reported that the Legal Unit is interviewing Legal Secretary candidates with the goal of filling the position by the end of July.

Any matter not completed at this meeting may be continued to subsequent meetings.

PUBLIC COMMENT:

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

ACTION: No report.

The Board recessed to its Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3793 AND 3794

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chairperson Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

VLADIMIR PETRIK DBA V & S MASONRY DEVELOPMENT, 10-R2D1-1419 AND 1420

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Chairperson Carter seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

ORDERS OF ADMINISTRATIVE LAW JUDGES:

515 WEST SEVENTH, LLC., DBA CANDELLA LIGHTING COMPANY, 11-R6D2-1905
THROUGH 1908

ACTION: This order was placed on the agenda in error.

ACME CLEAN AIR INC., 11-R4D1-2677 AND 2678

ACTION RENTALS & LDJ INC., 11-R2D1-1924 THROUGH 1926

AEROJET-GENERAL CORPORATION, 09-R2D1-0477 *

ALPHA OMEGA QUALITY PAINTING AND DECORATING, 11-R1D4-0693 AND 0694 *

AMCOR RIGID PLASTICS USA, INC., 11-R2D2-1601 THROUGH 1603 *

ASHKINS MEDICAL AESTHETICS DBA ASHKINS LASER CENTER, 11-R2D1-0873

ASSOCIATED WINERY SYSTEMS, INC., 11-R1D5-0598 *

A TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 11-R2D5-0051

BANNER AUTO SALES INC., DBA VICTORY TOWING, 11-R6D7-0647 *

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BARRETT BUSINESS SERVICES, INC., 11-R6D7-0724
BARRETT BUSINESS SERVICES, INC. 11-R1D3-2091
FEROZE DIN BATH DBA LOS BANOS FLC, 10-R2D1-4014 AND 4015 *
BAUMAN LANDSCAPE & CONSTRUCTION, 10-R1D1-2963 AND 2964
BENNINGTON GROUP WEST, INC., 11-R2D2-0376
BEN'S TRUCK REPAIRS, INC., 09-R2D1-4268 THROUGH 4270
BEST BUY COMPANY, INC., 10-R1D4-3579 AND 3580
BRILLIANT GENERAL MAINTENANCE, INC., 11-R1D3-1444
CALIFORNIA DAIRIES, INC., 11-R2D5-0765
CITY OF SUNNYVALE WATER POLLUTION CONTROL PLT., 12-R6D3-0689 *
CONCORDIA UNIVERSITY, 12-R3D1-0436
COMPASS EQUIPMENT INC., 09-R2D1-3823 THROUGH 3828
CORNELL ROOFING CO., INC., 12-R2D2-0008 AND 0009
COTATI ROHNERT PARK SCHOOL DISTRICT, 11-R1D5-0085
COUNTRY CLUB CLEANERS, 11-R2D2-3105 *
DASCO COMMERCIAL CONSTRUCTION CO., 11-R6D7-1916 AND 1917 *
DAVID J. PECK LANDSCAPE SERVICES, 12-R2D5-0983
JIMMIE R. DAVIS DBA ATWATER CHRISTIAN LIFE CENTER, 11-R2D4-3288
DECCO CASTINGS, INC., 11-R6D2-1660 THROUGH 1666
DE GRAFF DEVELOPMENT, INC., 11-R6D7-3061 THROUGH 3063 *
DEL MONTE FOODS, PLANT #1, 11-R6D3-2250
DELTA STAR INC., 11-R1D3-0870 AND 0871
DEPARTMENT OF MENTAL HEALTH DBA CMH, 11-R2D2-0147
DIEDRICH AG SPRAY, 11-R2D5-2055
D R HORTON BAY INC., 11-R1D3-1769
EL CHICO PRODUCE, INC., 11-R1D1-1686
EMPIRE DEMOLITION INC., 12-R3D3-1174 AND 1175
ENVY DIST. INC., DBA CADIVEU USA, 11-R4D2-1624
EAST BAY REGIONAL PARK DISTRICT, 12-R1D4-1201
LINO JOSEPH FINATTI JR., DBA LINO FINATTI JR., 11-R1D2-2913 THROUGH 2918
FIVE STAR PACKING LLC, 11-R2D5-2277
FOUNDATION CONSTRUCTORS, INC., 12-R1D4-1306
FOX MERCHANDISING INT. INC DBA FOX MARBLE & GRANITE, 11-R1D1-2430
JAMES BRIAN GUERTON DBA NORCAL PLASTERING, 12-R6D7-0627
HIGH END DEVELOPMENT, INC., 11-R1D4-1043
HILLTOWN PACKING CO., INC. 11-R6D1-1429 AND 1430
H & H TRENCHING INC., 10-R2D1-2667 THROUGH 2669
HOME DEPOT USA, INC., HOME DEPOT 0612, 12-R4D3-0069
HUMBOLDT BAY MUNICIPAL WATER DISTRICT, 11-R6D3-3049
INCREDIBLE ENTERTAINMENT, INC., DBA JOHN'S INCREDIBLE PIZZA COMPANY,
11-R2D1-0944 THROUGH 0949
INDUCTION TECHNOLOGY CORPORATION, 12-R3D3-0534 *
J & H TREE SERVICES INC., 11-R2D5-2794 THROUGH 2796
JIM MURPHY AND ASSOCIATES, 11-R1D5-2762
JOHN BOYD ENTERPRISES, INC., DBA JB RADIATOR SPECIALITIES, INC.,
09-R2D1-0074 THROUGH 0076

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J & M SALES, 11-R4D1-2975

J.R. SIMPLOT CO. DBA SIMPLOT GROWERS SOLUTIONS, 12-R2D5-1252

KATE'S FARMS, 10-R2D5-2365

KEITH A. NILMEIER FARMS, 09-R2D5-4112 THROUGH 4114.

KERMANIG, INC., 11-R6D2-1434 THROUGH 1438 *

LA COUNTY FIRE – CAMP 11 ACTON, 12-R4D3-0290

LAUSD FLORENCE GRIFFITH JOYNER ELEMENTARY SCHOOL, 11-R4D2-3239

LBA REALTY LLC, 11-R3D1-1987

LODI UNIFIED SCHOOL DISTRICT DBA VINEWOOD ELEMENTARY SCHOOL,
11-R2D4-3216

LOS BANOS FLC., 10-R2D1-3446

LOS RIOS FARMS INC., 10-R2D1-2867

LOWES HIW, INC. – STORE NO. 790, 12-R4D3-0070 AND 0071

LUNDAY THAGARD, 11-R6D4-3270 AND 3271

THOMAS HENRY LUTGE DBA QSE CONSTRUCTION, 09-R6D7-2897 AND 2898

MAPLEGROVE GLUTEN FREE FOODS INC., 12-R3D3-0609 AND 0610

MARTINEZ UTILITY SERVICES DBA MARTINEZ POLE & TREE MAINTENANCE,
10-R1D5-3617 AND 3618 *

MARTINEZ UTILITY SERVICES, INC., 11-R2D2-2026

MASTER PLASTICS INCORPORATED, 11-R2D2-2025

MATICH CORPORATION, 12-R5D3-0338 AND 0339

MICKE GROVE GOLF LINKS, 11-R2D4-3176

MING HONG, 11-R3D6-3114 AND 3115

MPM & ASSOCIATES INC., 11-R4D1-1451 AND 1452

NAIM HAMDY JAMALI DBA ZACKS AUTO BODY & PAINT, 11-R6D7-1676 AND 1677

STEVE NAGEL, 11-R3D2-1533 AND 1544 *

NCM DEMOLITION & REMEDIATION LP, 11-R2D2-3174

PFEIFFER CA CUSTOM PACKING INC., 09-R2D5-2497 THROUGH 2499

PINNACLE PEST CONTROL, 09-R2D1-3580 THROUGH 3583

PRO-TECH CONSTRUCTION, 11-R1D4-2334

R-3 BUILDERS, INC., 10-R6D1-2411 THROUGH 2415

RAMCO ENTERPRISES LP DBA RAMIREZ LABOR SERVICES, 11-R6D7-1140

RITE-AID CORPORATION, 10-R2D1-4013

RGW VANGUARD, A JOINT VENTURE, 11-R2D4-1264 *

RON THORN CONSTRUCTION INC., 10-R1D4-3323 AND 3324

R & S SUPPLY, 10-R2D5-0525

RUDOLPH & SLETTEN, 11-R3D2-1446 AND 1447

SALINAS VALLEY COOLING, 10-R6D3-3712 AND 3713

SAN FRANCISCO SUPERIOR COURT, 11-R1D1-1039

SBM SITE SERVICES, INC., 10-R2D1-3810

SECURITAS SECURITY SERVICES USA, INC., 11-R2D2-1292

SECURITAS SECURITY SERVICES USA, INC., 11-R2D4-1876 THROUGH 1878

SELMA PALLET, INC., 10-R2D5-1760 AND 1761

SHULTZ STEEL COMPANY, 11-R4D2-2864 AND 2865

SIGN DESIGNS, INC., 10-R6D1-3912

SMITH RANCHES, 10-R2D3-3448

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SOLANO COUNTY ROOFING, INC., 10-R2D3-2615
SONNY JACKSON ROOFING, INC., 11-R2D2-3172
SOUTHWEST WATER CO., 11-R6D3-2525
SOUTHWEST WATER CO., 11-R6D3-2548 AND 2549
STAPLES, INC., 11-R1D4-2127
STRAWBERRY SHORES APARTMENTS, A PARTNERSHIP, 11-R1D5-0403
SUNSWEET GROWERS, INC., 10-R2D1-2741 TO 2742
SUNVIEW VINEYARDS, 10-R2D5-0481
TDG LLC DBA THE DAVIDSON GROUP, 11-R3D5-2100
TEICHERT CONSTRUCTION, 10-R2D1-3272
THE 54 CONSTRUCTION CO., 10-R2D1-3814 AND 3815
THE ULTIMATE COMPANY, 11-R4D1-2858 AND 2859
TIC THE INDUSTRIAL COMPANY, 12-R5D3-1463
TRANSPORT DRIVERS, INC., 11-R3D6-2716
UNITED PARCEL SERVICE DBA UPS, 11-R2D2-3287
VALLEY CREST LANDSCAPE DEVELOPMENT, INC., 12-R4D3-0100
VEOLIA ENERGY LOS ANGELES, INC., 11-R4D1-2999
HERMELINDA VIRAMONTES DBA SOUTH VALLEY CONTRACTING, 11- R6D7-3133
AND 3134
WASTEXPERTS DBA LENTZ AND ORTEGA INDUSTRIES, INC., 12-R1D4-0420
WEST COAST ARBORISTS, INC., 11-R4D1-3072
WEST COAST DEMOLITION, 11-R2D4-3217 AND 3218
WHOLE FOODS MARKET CALIFORNIA, INC., 12-R1D1-0256 AND 0257 *
WILDWOOD PACKING & COOLING INC., 12-R2D5-0301
WINDOW & CO. DBA MR. WINDOW CLEANING INC., 12-R3D3-0274 AND 0275
WOODSMITH ARCHITECTURAL CASEWORK & MILLWORK DBA
WOODSMITHS, 10-R2D1-2968 AND 2969 *

YUBA RIVER MOULDING AND MILLWORK, INC., 10-R2D3-2890 AND 2891

ACTION: Member Lowry moved that the Board approve these Orders of Administrative Law Judges. Chairperson Carter seconded. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

ORDER DISMISSING APPEAL:

ANACLETO GUTIERREZ DBA C & H TIRE SHOP, 11-R6D7-3275 THROUGH 3277
GILBERTO HUERTA DBA GILBERTO'S ORNAMENTAL IRON WORKS, 12-R6D5-0341
THROUGH 0343

ZORIA FARMS INC., 09-R2D5-3486 THROUGH 3488

ACTION: Member Lowry moved that the Board approve these Orders Dismissing Appeal from Administrative Law Judges. Chairperson Carter

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seconded. The Board voted to approve these Orders Dismissing Appeal from Administrative Law Judges.

ORDER AFTER REMAND:

LAST CHANCE, INC., DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469

ACTION: Member Lowry moved that the Board approve this Order After Remand by an Administrative Law Judge. Chairperson Carter seconded. The Board voted to approve this Order After Remand by an Administrative Law Judge.

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

CA DEPT. OF FORESTRY & FIRE PROTECTION, 10-R2D1-0728

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Chairperson Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

CALIFORNIA HIGHWAY PATROL, 09-R2D1-3762

ACTION: Member Lowry moved that the Board vote to grant this Petition for Reconsideration. Chairperson Carter seconded. The Board voted to grant this Petition for Reconsideration.

JOSH GENERAL ENGINEERING, INC., 11-R4D3-2801 AND 2802

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Chairperson Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

JUSTIS ENTERPRISES DBA BILL'S ROOFING, 09-R2D1-0586

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Chairperson Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

KENYON PLASTERING, INC., 10-R1D4-2710

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Chairperson Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

K H S & S OF CONCORD, INC., 11-R2D2-0374 AND 0375

ACTION: The Board took no action on this matter.

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

SHIMMICK CONSTRUCTION COMPANY, INC., 09-R2D3-0399

ACTION: Member Lowry moved that the Board vote to approve this draft Denial of Petition for Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration for signature.

MATTERS PENDING RECONSIDERATION:

A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592

ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480

AC TRANSIT, 08-R1D4-0135

AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786

AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA
ANTONSEN CONSTRUCTION, 06-R2D3-1272

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655

BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221

BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963

BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241

BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448

BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563

CA RASMUSSEN, INC., 08-R4D5-219 AND 220

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
CENTRAL VALLEY ENGINEERING & ASPHALT, INC.
08-R2D1 5001 AND 5002
COFFMAN SPECIALTIES, INC., 10-R3D3-3532
COMMERCIAL METAL FORMING, 09-R3D1-1592
CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
COUNTY OF LOS ANGELES DEPT. OF PUBLIC WORKS, 07-R4D2-2540
CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
DELTA TRANSPORTATION, INC., 08-R2D1-4999
DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
DUKE PACIFIC, INC., 08-R3D3-574
EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
EZ MIX, INC., 08-R4D3-1898
FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219
FORTUNA IRON WORKS 06-R2D3-4222
GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
HOLLINGER CONSTRUCTION INC., 11-R4D1-0891
HOME DEPOT, 10-R3D6-3284
HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
LION RAISINS, INC., 08-R2D5-2253 AND 2254
MARINE TERMINALS, 08-R6D2-1920
McPHERSON ENTERPRISES, INC., 10-R2D5-0995

MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791

NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

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ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC.,
08-R2D1-0025 AND 0026
POUK & STEINLE, INC., 09-R3D3-0491
ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-3128 THROUGH 3131
SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
SIERRA FOREST PRODUCTS, 09-R2D5-3979
SMUD, 08-R2D1-4887 THROUGH 4889
MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
08-R2D1-3414 THROUGH 3418
STAFFCHEX, 10-R4D3-2456 THROUGH 2458
SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651
A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460

LEGISLATION:

ACTION: No report.

PENDING LITIGATION

1. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)
(00-440)

ACTION: Chief Counsel Mojcher provided an update on this matter.

2. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)

3. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

ACTION: Chief Counsel Mojcher reported on the status of this matter.

4. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)

5. WPCS INTERNATIONAL SUI SUN CITY, INC., 34-2010-80000430
(09- 9280/9281)

ACTION: Chief Counsel Mojcher provided an update on this matter.

6. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-

R5D1-3611)

7. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
8. SMUD, 34-2010-80000723 (08-R2D1-4887)
9. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
10. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
11. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
12. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010
(08-R2D1-3273)
13. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459
THROUGH 2461)
14. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
15. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
16. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039
(07-R2D3-0275)
17. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
18. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
19. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
20. DUININCK BROS., INC., 34-2012-80001129 (06-2871)

COURT OF APPEAL:

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

PERSONNEL: *(Issues regarding staff)*

ACTION: No report.

The Closed Session adjourned at 1:20 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. With no further business, the meeting was adjourned at 1:21 p.m.